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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,009	02/19/2004	Harikrishnan Bhaskaran	30215.77	5414

7590 05/02/2007
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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/782,009	BHASKARAN ET AL.
	Examiner	Art Unit
	Christian La Forgia	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 have been presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 19 February 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application Publication No. 2005/0021467 to Franzdonk, hereinafter Franzdonk.

5. As per claim 1, Franzdonk teaches a method of packaging software comprising:
providing a software package including a file having a name portion and a data portion
(Figures 1, 2, paragraphs 0045, 0051, i.e. the content distributor **20** receiving content from a content provider **16**);

digitally signing the data portion of the file for authentication purposes (Figures 1 [block 28], 2 [blocks 28], paragraph 0024, paragraph 0083, i.e. digital rights agent, embodied on a content distributor, signs content data before storing);

supplying information for inclusion in the software package (paragraph 0099, i.e. a unique content identifier); and

modifying the name portion of the file to include the information (paragraph 0099, i.e. renaming a content item according to a scheme allowing an application to link the content item to a unique content identifier). The Examiner provides Figure 4 of U.S. 2002/0144248 to Forbes et al. as evidence showing content files comprise at least a name and data portion.

6. Regarding claims 2 and 16, Franzdonk teaches encoding the information prior to modifying the name portion of the file (paragraph 0099, i.e. linking the content item to a unique content identifier).

7. Regarding claims 3 and 17, Franzdonk teaches receiving the software package by a user's computing device (paragraph 0047, i.e. content is streamed from the content distributor **20** to media terminal).

8. With regards to claims 4 and 18, Franzdonk teaches downloading, by the user's computing device, the software package from a software package distribution site (paragraphs 0047, 0088, 0104 i.e. content is streamed from the content distributor **20** to media terminal).

9. Concerning claims 5 and 19, Franzdonk teaches decoding, by the user's computing device, the received software package to provide decoded information (paragraph 0088, i.e. decrypting the content for access).

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10. Concerning claims 6 and 20, Franzdonk teaches installing the received software package on the user's computing device (paragraph 0054, 0085, i.e. viewing or listening to the video or audio, and executing the received data).

11. Concerning claims 7 and 21, Franzdonk teaches displaying the decoded information on the user's computing device for observation by the user (paragraph 0054, 0085, i.e. viewing or listening to the video or audio, and executing the received data).

12. Regarding claims 12 and 26, Franzdonk teaches wherein the information includes user settings (paragraph 0085, i.e. user access policies).

13. With regards to claims 13 and 27, Franzdonk teaches wherein the information includes software configuration information (paragraph 0085, i.e. pay-per view, pay per time, constraint policies).

14. Regarding claims 14 and 28, Franzdonk teaches wherein the data portion is an executable file (paragraph 0085, i.e. audio, video, or data).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. Claims 8-11 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk in view of U.S. Patent Application Publication No. 2005/0004873 to Pou et al., hereinafter Pou.

17. Regarding claims 8 and 22, Franzdonk does not disclose wherein the information dynamically varies from software user to software user.

18. Pou discloses adding user information to a content wrapper when the user is authorized to redistribute the content file (paragraph 0048).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the information vary from user to user, since Pou states at paragraph 0048 that it allows all transactions to be centrally tracked thereby supporting the ability to properly allocate revenues.

20. Regarding claims 9 and 23, Franzdonk does not teach wrapping the name portion and the data portion together to form a wrapped software package.

21. Pou teaches applying a digital wrapper to a content file (Figure 3 [block 310], paragraph 0065).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to wrap the name portion and the data portion to form a wrapped software package, since Pou states at paragraph 0065 that the wrapper is used to identify the media file and to trigger specific functions like copyright owner payment events, file usage database update, and micro-payment fee allocations for consumer pass-along activities.

23. With regards to claims 10 and 24, Pou teaches providing the wrapped software package to the user's computing device (Figure 3 [block 315], paragraph 0071).

24. Concerning claims 11 and 25, Pou teaches unwrapping the wrapped software package by the user's computing device (Figure 3 [block 360], paragraph 0080).

25. Claims 15-21 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk.

26. As per claim 15, Franzdonk teaches a method of packaging software comprising:
receiving, by a distributor, software including a file having a name portion (Figures 1, 2, paragraphs 0045, 0051, i.e. the content distributor **20** receiving content from a content provider **16**);

providing, by the distributor, information to be included with the software to form a software package (paragraph 0099, i.e. a unique content identifier); and
modifying the name portion of the file to include the information (paragraph 0099, i.e. renaming a content item according to a scheme allowing an application to link the content item to a unique content identifier).

27. Franzdonk does not disclose where the software received by the distributor has a digital signature.

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a digital signature at the content provider, since it is well known and commonly practiced to include digital signatures in data in order to verify their authenticity and

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prove that they have no been tampered with in transit to the data's destination, and Official Notice of such is herein taken.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. The following patents are cited to further show the state of the art with respect to digital rights management, such as:

United States Patent No. 6,381,742 to Forbes et al., which is cited to show managing software packages.

United States Patent No. 5,933,498 to Schneck et al., which is cited to show controlling access to distributed digital content through the use of access rights.

United States Patent No. 7,047,411 to DeMello et al., which is cited to show a digital rights management system for distributing and protecting rights in content.

United States Patent No. 7,158,953 to DeMello et al., which is cited to show user-specific digital rights management.

United States Patent Application Publication No. 2002/0146122 to Vestergaard et al., which is cited to show securely distributing digital content.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia
Patent Examiner
Art Unit 2131

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